

REMARKS

In the Office Action dated May 5, 2004, claims 52-54, 63, and 68-80 are pending. Claims 52-54, 63, and 70-80 are allowed. Claims 68 and 69 are rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite.

This Response addresses each of the Examiner's rejections. Applicants therefore respectfully submit that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

The Examiner has rejected claims 68 and 69 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner has rejected claim 68 and 69 allegedly because the recitation "about" renders the phrase indefinite.

Applicants respectfully submit that the term "about" in reference to percent identity is commonly used and well understood by those skilled in the art. However, in an effort to expedite allowance of the case, claims 68 and 69 have been amended by deleting the recitation "about".

The Examiner has also objected to claims 68 and 69 as allegedly indefinite because of the recitation "similarity". The Examiner contends that it is not clear what is intended by this recitation. The Examiner indicated to use instead the term "identity".

Consistent with the Examiner's suggestion, claims 68 and 69 have been further amended by substituting "similarity" with the recitation "identity". Support for "identity" is found in the specification at page 43, line 14.

Applicants submit that claims 68 and 69 as amended are not indefinite. In view of the foregoing, Applicants respectfully submit that the rejection of claims 68 and 69 under 35 U.S.C. §112, second paragraph, is overcome. Withdrawal of the rejection is therefore respectfully requested.

• In view of foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Frank S. DiGiglio
Registration No. 31,346

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343
XZ/JM: ab